

Excerpts
Planning Commission Minutes
May 8, 2002

Application No. UP-595-02, K. Dale Moore: Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 17, No. 7) of the York County Zoning Ordinance to authorize a 125-foot freestanding monopole communications tower within a flagpole structure. The subject parcel is located at 3010 Big Bethel Road.

Mr. Tim Cross presented a brief video and summarized the memorandum to the Commission in which the staff recommended approval of this application.

Mr. Beil inquired about the staff recommendation to paint the proposed flag tower white, when typically the recommendation for communication towers to remain unpainted. Mr. Cross said that, although a galvanized gray finish is typically required, staff felt that a white finish would make the tower look more like a flagpole.

Mr. Ptasznik asked if the tower would both receive and transmit, and on what frequencies. Mr. Cross replied that it would have to meet all technical and legal requirements.

Mr. Ptasznik indicated he would prefer that the flag be raised and lowered daily and that an automated device be required for raising and lowering.

The Chair opened the public hearing.

Mr. Dale Moore, 229 Redoubt Road, addressed Mr. Beil's question and said he had not decided if white or silver would be the most suitable, and he assured the Commission that he would not do anything that would detract from what will be a significant investment. He said he will raise and lower the flag daily if that is the Commission's desire.

Ms. Ann McRay (no address available) expressed concern over possible radiation escaping from the communications tower. Mr. Cross responded that the tower would have to meet all federal regulations for ground level radiation and that a certificate attesting to its conformance would be filed with the County. Mr. Ptasznik added that if a violation occurred, the permit would be rescinded.

The public hearing was closed by order of the Chair.

Discussion followed about whether to require raising and lowering the flag. Mr. Barnett advised that flag etiquette exists but it is not law, and he doubted the County could enforce any demand that the owner install an automated device to raise and lower the flag.

Mr. Ptasznik expressed his partiality to tower structures that are designed to hide the antennae inside.

PC02-14

On motion of Mr. Hendricks, which carried 5:0 (Messrs. Heavner and Simasek absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE
PERMIT TO AUTHORIZE A 125-FOOT SELF-SUPPORTING MONOPOLE
COMMUNICATIONS FLAGPOLE TOWER AT 3010 BIG BETHEL ROAD

WHEREAS, K. Dale Moore has submitted Application No. UP-595-02, which requests a special use permit pursuant to Section 24.1-306 (Category 17, No. 7) of the York County Zoning Ordinance to authorize construction of a 125-foot freestanding monopole communications tower with associated equipment on the parcel located at 3010 Big Bethel Road (Route 600) and further identified as Assessor's Parcel No. 24 (60)-28; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 8th day of May, 2002, that Application No. UP-595-02 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize construction of a 125-foot freestanding monopole communications tower/flagpole on a 2.34-acre parcel of land located at 3010 Big Bethel Road (Route 600) and further identified as Assessor's Parcel No. 24 (60)-28, subject to the following conditions:

1. This use permit shall authorize the construction of a freestanding monopole communications tower/flagpole on a 2.34-acre parcel of land located at 3010 Big Bethel Road (Route 600) and further identified as Assessor's Parcel No. 24 (60)-28.
2. The height of the flagpole/tower shall not exceed 125 feet.
3. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to commencement of land clearing or any construction activity on the subject property. Except as modified herein, said plan shall be substantially in conformance with the sketch plan submitted by the applicant a copy of which is located in the application files for this request maintained by the York County Department of Environmental and Development Services. As part of the site plan submittal, the applicant shall prepare a frequency intermodulation study to determine the impact on current communication transmissions for the York County Departments of Fire and Life Safety and General Services, Sheriff's Office, School Division, and the Intrac Sewer Telemetry System. Should any equipment associated with this facility at any time during the operation of the tower be found by the County to cause interference with County

communications, the applicant shall be responsible for the elimination of said interference within twenty-four (24) hours of receipt of notice from the County.

4. Construction and operation of the tower shall be in conformance with the performance standards set forth in Sections 24.1-493 and 24.1-494 of the Zoning Ordinance.
5. No flag other than a single Flag of the United States shall be flown from the tower/flagpole. Said flag shall be flown continuously during daylight hours. Corporate logo emblem flags shall be expressly prohibited.
6. Illumination of the flag shall not be permitted.
7. The applicant shall submit to the County a statement from a registered engineer certifying that NIER (nonionizing electromagnetic radiation) emitted from the tower does not result in a ground level exposure at any point outside such facility that exceeds the maximum applicable exposure standards established by any regulatory agency of the U.S. Government or the American National Standards Institute.
8. A report from a registered structural or civil engineer shall be submitted indicating tower height and design, structure installation, and total anticipated capacity of the structure (including number and types of users that the structure can accommodate). These data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the Uniform Statewide Building Code and shall set out whether the tower will meet the structural requirement of EIA-222E, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."
9. Advertising and signage on the tower/flagpole shall be expressly prohibited, except for warning signs associated with the operation of the tower or its equipment.
10. Prior to site plan approval, the applicant shall submit written statements from the Federal Aviation Administration, Federal Communications Commission, and any other review authority with jurisdiction over the tower, stating that the proposed tower complies with regulations administered by that agency or that the tower is exempt from those regulations.
11. All ground-mounted equipment associated with the tower/flagpole shall be located inside or, if located outside, shall be screened from view utilizing evergreen planting material deemed acceptable to the County. Any building addition necessary to house the equipment shall be depicted on the above-referenced site plan and shall match the façade and building materials of the existing buildings on the site.
12. If at any time use of the communications tower ceases, the owner of the subject property on which the tower is located shall dismantle and remove it within six (6) months after ceasing to use it, unless:
 - (2) A binding lease agreement or letter of intent with another wireless communications provider has been executed in which case an additional six (6) months shall be granted. If a letter of intent is provided, the execution date for a

binding lease agreement shall not extend more than (12) months beyond the time the use of the tower ceases, or

- (3) The County requests, in writing, that the tower be reserved for County use.
13. Accessory facilities shall not include offices, vehicle storage, or outdoor storage unless permitted by the district regulations.
 14. Evidence shall be provided within ninety (90) days upon receipt of a building permit that the Virginia State Corporation Commission has been notified that a communication facility has been constructed or the use permit shall be considered null and void.
 15. The equipment building and associated equipment shall be completely enclosed by a security fence to the satisfaction of the County.
 16. The communication tower shall be white in color. Should Federal Aviation Administration requirements dictate special markings, tower lighting shall be used in lieu of multi-color painting. If painting is required, a tower maintenance plan shall be submitted and approved by the County.
 17. No microwave dishes, conical shaped antennae, or other dish shall be permitted on the tower. No antenna arrays of any kind shall be located on or visible from the outside of the tower.
 18. The communications tower shall be structurally designed to accommodate no fewer than two (2) wireless users capable of supporting either PCS or cellular antenna arrays. If space is available, the County shall have the right of first refusal for leasing a space on the tower to place an antenna in support of operations consistent with the County's Department of Fire and Life Safety.
 19. Significant modifications to a previously approved communications tower as determined by the Zoning Administrator shall require that a new use permit application be submitted for review in accordance with the provisions of this section. Modifications can be administratively approved if the Zoning Administrator determines the modification to be minor.

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